

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

FATHALLA MASHALI

Criminal No. 14-10067-RWZ

**RSS REALTY, LLC's CLAIM AGAINST PROPERTY OF FATHALLA MASHALI a/k/a  
FARHALLA MASHALI; NOHA ELKADRY MASHALI, INDIVIDUALLY AND AS  
TRUSTEE OF THE DOVER PINES REVOCABLE TRUST; NEW ENGLAND PAIN  
ASSOCIATES, P.C.; AND BRIARWOOD REAL ESTATE HOLDINGS, LLC**

Pursuant to 28 U.S.C. §§2041 and 2042, Local Rules 67.1 through 67.4 and/or the equitable powers of this Court, Claimant RSS Realty, LLC ("Claimant") hereby makes claim against the property of Defendant Fathalla Mashali a/k/a Farhalla Mashali ("Mashali") and/or Noha Elkadry Mashali, individually and as Trustee of the Dover Pines Revocable Trust ("Mrs. Mashali") and/or New England Pain Associates, P.C. ("New England Pain") and/or Briarwood Real Estate Holdings, LLC ("Briarwood"), as pledged now or any time hereafter to this Court in connection with the above captioned case.

As grounds for this Claim, Claimant states as follows:

1. On March 11, 2014, Claimant filed a Verified Complaint in Middlesex Superior Court against Mashali; New England Pain; Briarwood; and Mrs. Mashali, in her capacity as Trustee of the Dover Pines Revocable Trust. A copy of the Docket in MICV2014-01076 is attached hereto as Exhibit "A."

2. On March 11, 2014, the Superior Court (Liebensperger, J.) issued a Writ of Attachment, *ex parte*, in the amount of \$600,000.00 against the goods and estate of Mashali, a copy of which is attached hereto as Exhibit "B."

3. On April 3, 2014, after hearing attended by counsel for Mashali, the Superior Court (Liebensperger, J.) issued a Preliminary Injunction against Mashali and New England Pain, a copy of which is attached hereto as Exhibit "C."

4. On April 22, 2014, the Superior Court entered a Default Order pursuant to Mass. R. Civ. P. 55(a) against Mashali, New England Pain, and Briarwood, a copy of which is attached hereto as Exhibit "D."

5. On May 30, 2014, Claimant filed a First Amended Complaint, bringing a claim under the Massachusetts Fraudulent Transfer Act and other causes of action against Noha Elkadry Mashali, individually.

6. On June 5, 2014, in violation of the above-referenced Preliminary Injunction, Mashali and/or New England Pain mortgaged and/or pledged real property and investments/savings accounts belonging to them or either of them to secure a \$5,000,000.00 bond provided to this Court in connection with Mashali's conditional release from detention.

7. On June 13, 2014, Mashali and Briarwood, through counsel, filed a Motion to Remove Default in MICV2014-01076. On June 24, 2014, the Superior Court denied the Mashali/Briarwood Motion without prejudice to being served and refiled under Superior Court Rule 9A. A copy of the relevant Clerk's Notice is attached hereto as Exhibit "E."

8. Title 28 U.S.C. § 2042 provides:

No money deposited under section 2041 of this title shall be withdrawn except by order of court.

In every case in which the right to withdraw money deposited in court under section 2041 has been adjudicated or is not in dispute and such money has remained so deposited for at least five years unclaimed by the person entitled thereto, such court shall cause such money to be deposited in the Treasury in the name and to the credit of the United States. Any claimant entitled to any such money may, on petition to the court and upon notice to the United States attorney and full proof of the right thereto, obtain an order directing payment to him.

WHEREFORE, Claimant requests that the Court:

1. Not distribute any registry funds and/or pledged assets held by the Court in this case, pending adjudication and satisfaction of any judgment in Middlesex Superior Court Civil Action No. MICV2014-01076;
2. Conduct a hearing/evidentiary hearing;
3. Adjudicate Claimant's Claim or allow the Middlesex Superior Court to do so;
4. Distribute funds to Claimant as adjudicated, plus interest;
5. Award Claimant its attorneys fees and costs; and
6. Grant other such relief as the Court deems just.

RSS Realty, LLC,  
By its Attorney,

/s/ Barry M. Altman  
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Dated: June 26, 2014

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 26, 2014, I served a copy of the within document electronically upon all counsel of record.

/s/ Barry M. Altman  
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